

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARK COLSTON,

Plaintiff,

v.

Case No. 2:17-cv-10076

District Judge Nancy G. Edmunds

Magistrate Judge Anthony P. Patti

BOSTON MARKET  
CORPORATION, *et al.*,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION TO COMPEL (DE 22) AND  
STAYING PHASE II OF DISCOVERY**

In the initial scheduling order, discovery was split into two phases, with Phase I being limited to the exchange of initial disclosures, pursuant to Federal Rule of Civil Procedure 26(a), which were due on or before May 15, 2017, and Phase II to be determined at a May 15, 2017 status conference. (DE 17.) In the interim, Plaintiff filed a motion to compel, which was set for hearing on May 17, 2017. (DE 22.)

This matter came before me for a telephonic status conference on May 15, 2017, which was held on the record. For the reasons stated by the Court during the status conference, Plaintiff's motion to compel is **DENIED** and the May 17, 2017 hearing is **CANCELLED**. (DE 22.) In addition, because Defendant's motion to dismiss is jurisdictional, and in the interest of judicial efficiency, Phase II of

discovery is hereby **STAYED** pending the resolution of Defendant's motion to dismiss. If the Court denies Defendant's motion, a new scheduling order will be entered.

**IT IS SO ORDERED.**

Dated: May 15, 2017

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on May 15, 2017, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the

Honorable Anthony P. Patti